

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

GLENN BOWLES,

Plaintiff,

v.

Case No. 20-13175

ELIZABETH DARGA

Defendant.

**ORDER GRANTING IN PART EMERGENCY MOTION TO ADJOURN TRIAL AND
STRIKING *DE BENE ESSE* DEPOSITION OF DANNY ROSA**

On December 20, 2022, Plaintiff Glenn Bowles moved to adjourn trial and to strike Defendant's *de bene esse* deposition of Danny Rosa. (ECF No. 78.) Defendant Elizabeth Darga timely responded at the court's direction on December 21, 2022. (ECF No. 80.)

Defendant does not object to the request for adjournment,¹ stating that it would not prejudice the Defendant and Plaintiff's reason in support of such a request may constitute "good cause" under Local Rule 40.2. (*Id.*, at PageID.1579-80.) Accordingly, the court will adjourn trial date to January 24, 2023. In light of this adjournment and Defendant's agreement to reschedule the deposition of Danny Rosa in accordance with the court rules or to produce him at trial, Plaintiff's request to strike the *de bene esse* deposition of Danny Rosa is moot.

¹ Defendant has indicated that she would submit a motion for summary disposition under Fed. R. Civ. P. 56 by January 20, 2023. (ECF No. 80, PageID. 1580.) However, the deadline for dispositive motions has long passed. (ECF No, 65, PageID.1399.)

Accordingly, IT IS ORDERED that Plaintiff's "Motion for Immediate Consideration of Both Trial Adjournment and Motion to Strike Defendant's *De Bene Esse* Deposition" (ECF No. 78) is GRANTED IN PART and DENIED IN PART AS MOOT. Trial is set for January 24, 2023 at 9:00 am.

s/ Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 21, 2022

s/Lisa Wagner /
Case Manager and Deputy Clerk
(810) 292-6522

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